

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER ELLIOTT,

Plaintiff,

v.

R. EHLERS, et al.,

Defendants.

No. 2:22-cv-01040-TLN-KJN

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 28, 2023, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days.

On April 10, 2023, Plaintiff filed a document claiming he would like to file objections to the findings and recommendations. (ECF No. 18.) On April 17, 2023, the magistrate judge noted Plaintiff's failure to provide substantive objections and granted Plaintiff an additional fourteen days to file a second amended complaint that complies with the November 21, 2022 order. (ECF No. 19 at 2.) Plaintiff was cautioned that if he did not file a timely second amended complaint, the findings and recommendations would be forwarded to the district court for review and

1 adoption. (*Id.*) Over fourteen days have passed, and Plaintiff has not filed an amended complaint
2 or further objections.

3 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
4 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
5 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
6 the file, the Court finds the findings and recommendations to be supported by the record and by
7 the magistrate judge's analysis.

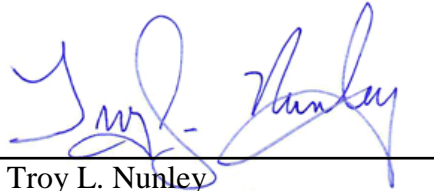
8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed March 28, 2023 (ECF No. 17), are
10 ADOPTED IN FULL; and

11 2. This action is DISMISSED without prejudice. *See* Local Rule 110; Fed. R. Civ. P.
12 41(b).

13 3. The Clerk of Court is directed to close the case.

14 Date: June 12, 2023

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18 Troy L. Nunley
19 United States District Judge
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